

NOTICES OF SUPPLEMENTAL PROPOSED RULEMAKING

After an agency has filed a Notice of Proposed Rulemaking with the Secretary of State's Office for *Register* publication and filing and the agency decides to prepare a Notice of Supplemental Proposed Rulemaking for submission to the Office, the Secretary of State shall publish the Notice under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.). Publication of the Notice of Supplemental Proposed Rulemaking shall appear in the *Register* before holding any oral proceedings (A.R.S. § 41-1022).

NOTICE OF SUPPLEMENTAL PROPOSED RULEMAKING

TITLE 10. LAW

CHAPTER 4. ARIZONA CRIMINAL JUSTICE COMMISSION

PREAMBLE

1. Register citation and date for the original Notice of Proposed Rulemaking:

Notice of Proposed Rulemaking: 6 A.A.R. 3460, September 8, 2000

2. Sections Affected

Rulemaking Action

R10-4-501	Amend
R10-4-502	Amend
R10-4-503	Amend
R10-4-504	Amend
R10-4-505	Repeal

3. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

A.R.S. § 41-2421(J)(5)

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Gerald Hardt
Address: 3737 North 7th Street, Suite 260
Phoenix, AZ 85014
Telephone: (602) 230-0252
Fax: (602) 728-0752

5. An explanation of the rule, including the agency's reasons for initiating the rule:

The purpose of the Article is to establish the guidelines to be used to govern the Full-service Forensic Crime Laboratory Account Administrative Program. Without rules to govern the administration of program, the grant funds cannot be made available, awarded, or properly administered.

6. An explanation of the substantial change that resulted in this supplement:

The rules have been modified to ensure the grant solicitation and award process is succinct and understandable for all potential applicants. New headings have been added that clearly delineate each the Section's content. The Section dealing with the administrative costs to the Commission has been removed and is addressed within the internal procedures of the Commission.

7. A showing of good cause why the rule is necessary to promote statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

The promulgation of these rules will not diminish a previous grant of authority of a political subdivision of this state.

8. The preliminary summary of the economic, small business and consumer impact:

There will not be any significant economic impact as a result of the implementation of the proposed rules. The benefits from the adoption of the rules, both quantitative and qualitative, far outweigh the potential costs.

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Costs/Benefits to implementing agency: The Arizona Criminal Justice Commission will experience a slight increase in its supplies and services budget. The personnel budget will not be increased, ~~since~~ because the management of the grant funds will be accomplished through the use of existing staff. No significant increase in administrative overhead is anticipated. ~~Since the proposed rules allow the Commission to draw 2% of the available funds annually, budgetary increases for the administration of this grant will be offset and/or negated.~~ because the policies of the Commission allow for an annual draw from the fund to pay for costs incurred as a result of grant administration.

Costs/benefits to other agencies directly affected by implementation: Other state agencies will not be adversely effected by the implementation of the rule governing awarding of grant funds. In fact, the Department of Public Safety will be adversely effected if rules governing the distribution of the Full-service Forensic Crime Laboratory Account are not completed in a timely manner. ~~Since~~ Because the Department of Public Safety is one of only five agencies to operate a full-service forensic crime laboratory, ~~they would~~ it will have a significant interest in applying for grant funding.

The State Treasury Department will not have a significant cost increase as a result of the proposed rules. The Department already receives and administers the Account into which these funds are deposited upon receipt from the courts. A slight cost increase could result from the issuance of the warrants necessary to transfer funds to the grantees.

Costs/benefits to political subdivisions: There are five law enforcement agencies that could benefit from the distribution of the grant funds. These agencies (Department of Public Safety, Phoenix Police Department, Mesa Police Department, Scottsdale Police Department, and Tucson Police Department) all have full-service forensic crime laboratories currently in operation. If awarded funding, they, and the communities they serve, will benefit from improved crime laboratory operations.

There are no significant costs associated with the distribution of grant funds to these agencies. All of the agencies have personnel already assigned to the administration of other grants they receive. The increase costs of administering an additional grant will be in the area of supplies for the completion of the required reports. No other increased costs are anticipated.

Costs/benefits to business: There are not any anticipated costs or benefits to private industry. Due to the small number of full-service forensic crime laboratories, increased purchases of consumable laboratory supplies will not generate a significant increase in purchases from the agency-contracted vendors. Even the purchase of large dollar items, (i.e.: specialized laboratory equipment) will not generate a significant increase to the revenues received from a purchase.

The only anticipated cost could be a reduction in outsourcing the processing of biological evidence by the Phoenix Police Department. However, it does not outsource all of its biological evidence processing. Biological evidence processing is only outsourced on an as-needed basis. The Phoenix Police Department strives to complete all of its biological evidence testing in-house.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Gerald Hardt
Address: 3737 North 7th Street, Suite 260
Phoenix, AZ 85014
Telephone: (602) 230-0252
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10. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule, or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

The Arizona Criminal Justice Commission will schedule a public hearing if ~~it receives~~ a written requests for a public hearing ~~from five or more persons~~ is made to the person in item 4.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

12. Incorporations by reference and their location in the rules:

None

13. Full text of the rules follows:

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TITLE 10. LAW

CHAPTER 4. ARIZONA CRIMINAL JUSTICE COMMISSION

ARTICLE 5. FULL-SERVICE FORENSIC CRIME LABORATORY
ACCOUNT ADMINISTRATIVE PROGRAM RULES

- R10-4-501. Definitions
- R10-4-502. ~~Application~~ Grant Solicitation Process
- R10-4-503. ~~Application process~~ Grant Application Review; Approval by the Commission
- R10-4-504. Reports
- ~~R10-4-505. Administrative Costs~~ Repealed

ARTICLE 5. FULL-SERVICE FORENSIC CRIME LABORATORY
ACCOUNT ADMINISTRATIVE PROGRAM RULES

R10-4-501. Definitions

In this Article:

1. "Account" means the Full-service Forensic Crime Laboratories Account established by A.R.S. § 41-2421(J)(5).
2. "Commission" means the Arizona Criminal Justice Commission established by A.R.S. § 41-2404.
3. "Full-service Forensic Crime Laboratory" means a facility that:
 - a. Is operated by a criminal justice agency that is a political subdivision of the State;
 - b. Employs at least 1 full-time forensic scientist who holds a minimum of a bachelor's degree in a physical or natural science;
 - c. Is registered as an analytical laboratory with the Drug Enforcement Administration of the United States Department of Justice for possession of all scheduled controlled substances; and
 - d. Provides, at a minimum, services in the areas of drugs, serology and DNA, and firearms and toolmarks.

R10-4-502. Grant Solicitation Process

- ~~A.~~ The Commission shall require a written application for Account money containing the following:
 1. ~~The amount of Account money requested;~~
 2. ~~A narrative description:~~
 - a. ~~Detailing how the Account money is to be used; and~~
 - b. ~~The Goals and Objectives to be achieved.~~
 3. ~~The amount of agency funds and resources allocated to the project;~~
 4. ~~A proposed budget outlining how the money will be spent to accomplish stated goals and objectives; and~~
 5. ~~The anticipated fiscal and operational impact the receipt of Account money will have on state and local agencies.~~
- ~~B.~~ The Commission shall annually publish in the grant announcement and forward to all Arizona criminal justice agencies that operate a full-service forensic crime laboratory a grant solicitation for distribution of Account monies. The grant solicitation shall contain:
 1. The definition of a "Full Service Forensic Crime Laboratory"; and
 2. The requirements for successful completion of the grant application.
 3. The Commission's goals for the grant program for the current allocation year.
 4. Applicant eligibility criteria.
 5. The format in which grant applications must be submitted.
 6. Grant application evaluation criteria.
 7. Project expenses for which Account monies may be used.
 8. The period in which all Account monies must be expended.
 9. Account money reversion criteria and process, and
 10. The award denial appeal process.

R10-4-503. Grant Application Review; Approval by the Commission

- ~~A.~~ The Commission shall review each application and any other pertinent information submitted with the application make a decision to approve or disapprove an application within 120 days of the close of the solicitation.
- ~~B.~~ After review, the Commission may If the Commission determines additional information is needed to facilitate its review of an application, the Commission shall request from the applicant:
 1. ~~Request Additional information; or~~
 2. ~~Request Application modifications; or~~
 3. ~~Vote to approve or disapprove, and application in whole or in part.~~
- ~~C.~~ After review, the Commission shall vote to approve or disapprove an application in whole or in part, based on:
 - a. The grant criteria published in the grant solicitation;
 - b. The amount of funds available for the current allocation year; and

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c. Compliance with the application format.

R10-4-504. Reports

- A. Within 20 days after the end of the first through third calendar quarters, a grantee shall submit a written report to the Commission. ~~The report shall contain~~ containing:
1. The amount of Account money available for use at the beginning of the ending quarter; and
 2. ~~The amount of money spent~~ An itemized accounting of the amount of money expended and encumbered during the quarter; and
 3. A projected date of expenditure of encumbered Account money; and
 4. The unspent and unencumbered balance to begin the next quarter.
- B. Within 60 days after the end of the each fiscal year, a grantee shall submit a written report to the Commission containing all of the following information:
1. The beginning balance of the Account money for the fiscal year; and
 2. The total amount of Account money expended by the grantee during the fiscal year; and
 3. The total amount of the encumbrances remaining at the end of the ~~State~~ fiscal year; and
 4. ~~The amount of Account money expended~~ An itemized accounting of how the expended Account money (including outstanding encumbrances) ~~in relation is related~~ is related to the stated project goals and objectives; and
 5. A narrative assessment of the effective and efficient use of Account money to meet stated goals and objectives during the fiscal year.

~~R10-4-505. Administrative Costs Repealed~~

- ~~A. The Arizona Criminal Justice Commission shall be entitled to withdraw funds to offset costs incurred for Account Administration.~~
1. ~~The Account revenues shall be annualized at the beginning of each fiscal year.~~
 2. ~~The Commission shall be entitled to 2% of the annualized revenues deposited into the Account, to be withdrawn quarterly.~~
- ~~B. The Commission shall adopt procedures specifically stating the administrative costs that are eligible for payment with the use of Account money.~~